

Message Text

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ACTION L-03

INFO OCT-01 IO-14 ISO-00 AF-10 ARA-16 EA-11 EUR-25 NEA-10

RSC-01 OIC-04 CIAE-00 DODE-00 PM-07 H-03 INR-10

NSAE-00 NSC-10 PA-04 PRS-01 SPC-03 SS-20 USIA-15

ACDA-19 SY-10 SCA-01 CPR-02 USSS-00 DRC-01 /201 W

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C O R R E C T E D COPY (FOR TEXT PARA 4 LINE 3)

E.O. 11652: NA

TAGS: UNGA, PINS

SUBJ: UNGA--LEGAL COMMITTEE--PROTECTION OF DIPLOMATS

1. DURING AFTERNOON MEETING OF LEGAL COMMITTEE NOV 1, DELOFF WAS INFORMED THAT WORKING GROUP SELECTED BY CHARIMAN GONZALEZ GALVEZ (MECICO), WHIC CONSISTED OF REPS FROM AUSTRIA, GHANA, INDIA, POLAND, AND URUGUAY, AND WHICH HAD PREVIOUSLY PREPARED DRAFT PREAMBLE (TRANSMITTED USUN 4221), HAD NOW FINISHED PREPARATION OF DRAFT FINAL ARTICLES. THESE FINAL ARTICLES ARE CONTAINED IN UN DOC A/C.6/940, DATED NOV 1 (WHICH WILL PRESUMABLE BE CIRCULATED NOV 2). THZY ARE TRANSMITTED PARA 6 BELOW.

2. DRAFT FINAL ARTICLES ADOPT "ALL STATES" FORMULA, WITH SYG AS DEPOSITORY. WE INFORMED THAT THEY ADOPTED BY VOTE OF 4-1(AUSTRIA) IN WORKING GROUP. AUSTRIA ATTEMPTED TO MODEL FINAL ARTICLES ON SPECIAL MISSIONS CONVENTION. POLAND APPARENTLY HAD CONVINCED OTHERS THAT FINAL ARTICLES SHOULD BE MODELLED ON THOSE CONTAINED IN APARTHEID CONVENTION (SEE UN DOC A9095). ARGUMENT MADE THAT APARTHEID CONVENTION

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RECENTLY ADOPTED BY OVERWHELMING VOTE OF 93-1(PORTUGAL)-24(US, UK). COMMENT: ONLY US, UK AND PORTUGAL VOTED AGAINST "ALL STATES" ARTICLES IN APARTHEID CONVENTION. END COMMENT. URUGUAY REP WAS APPROACHED AFTER MEETING

AND ASKED BY DELOFF WHY HE AGREED TO THIS AND HE SAID
HE THOUGHT IT RECENTLY ADOPTED IN GA AND NOT CONTROVERSIAL IN 3RD
COMITE DEBATES.

3. UN LEGAL COUNSEL STAVROPOULOS CALLED DELOFF DURING
LEGAL COMMITTEE MEETING TO SAY HE HAD JUST LEARNED THAT
WORKING GROUP HAD ADOPTED "ALL STATES" FORMULA. STAV
VERY UNHAPPY ABOUT THIS RESULT AND SAID IT PUT SECRETARIAT
IN DIFFICULT POSITION. HE SAID THAT THERE SHOULD BE
FORMAL REQUEST, DURING LEGAL COMMITTEE MEETING WHEN THIS
COMES UP NEXT WEEK, FOR SECRETARIAT INTERPRETATION OF MEANING
OF THE FORMULA. STAV SAID HE WOULD SAY, AS HE HAD MANY
TIMES PREVIOUSLY IN RESPONSE TO SUCH REQUESTS, THAT FORMULA
IMPOSSIBLE FROM POINT OF VIEW OF SECRETARIAT. HE SAID, HOWEVER,
THAT IF FORCED TO LIVE WITH "ALL STATES" FORMULA, HE WOULD
APPLY IT BY USING LIST OF PARTICIPANTS ADOPTED IN FIRST COMMITTEE
OF LOS CONFERENCE. HE FEARED, HOWEVER, THAT THERE WOULD
BE CHALLENGE INSISTING ON PARTICIPATION OF VIETCONG. DELOFF
NOTED THAT THIS ISSUE HAD NOT BEEN PRESSED TO VOTE IN
FIRST COMMITTEE. STAV SUGGESTED CONSIDERING PRO PROPOSING AMENDMENT,
IF THIS BEST POSSIBLE TO OBTAIN, INSERTING INVITATION CLAUSE
AGREED TO IN LOS CONTEXT INTO FINAL ARTICLES OF PROTECTION
OF DIPLOMATS CONVENTION. STAV INSISTED THAT THERE NO
REASON FOR 6TH COMITE TO ADOPT APPROACH EMPLOYED
BY 3RD COMITE. DELOFF SAID WE WOULD BE CONSIDERING
THESE ISSUES CAREFULLY AND SEEKING INSTRUCTIONS.

4. DELOFF DISCUSSED ISSUES WITH UK DEL, WHICH ALSO VERY
UNHAPPY ABOUT THESE DEVELOPMENTS. WE AGREED
THAT THERE NO CHANCE OF GETTING COMITE TO ADOPT STRAIGHT
VIENNA FORMULA. WE ALSO AGREED THAT AMENDING PROVISION
TO FOLLOW LOS FORMULA HAD SOME CHANCE OF SUCCESS, BUT
UK DEL INITIALLY NOT TOO TAKEN WITH THIS IDEA BECAUSE
WHILE CONFERENCE IS HELD AT ONE SPECIFIC POINT IN ITEM
AND IF POSSIBLE TO LIST SPECIFIC STATES, A TREATY
REMAINS IN FORCE OVER A LONG PERIOD OF
TIME AND WHATEVER LIST ADOPTED LIKELY TO BECOME OUT-DATED.
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WE FURTHER AGREED THAT THERE SOME CHANCE, BUT NOT A GOOD
CHANCE, OF INSTEAD AMENDING THE CLAUSE TO PROVIDE
FOR MULTIPLE DEPOSITORIES. UK DEL SAID THEY WOULD THINK
ABOUT MATTER, AND LEFT CONTINUING TO EXPRESS GRAVE MISGIVINGS
ABOUT GIVING SYG NO GUIDANCE AS TO HIS FUNCTIONS BY ADOPTING
AN "ALL STATES" FORMULATION.

5. COMMENT: GIVEN LOW LIKELIHOOD OF OUR BEING ABLE TO CHANGE
THESE ARTICLES, AND GIVEN FACT THAT STAV WOULD INTERPRET
THEM TO COVER THOSE COVERED BY LOS INVITATION FORMULA,
WE MAY HAVE TO LIVE WITH RESULT. END COMMENT.

6. FOLLOWING IS TEXT OF FINAL ARTICLES DEVELOPED BY
WORKING GROUP BEGIN TEXT

DRAFT SET OF FINAL ARTICLES PREPARED BY THE WORKING GROUP APPOINTED
BY THE CHAIRMAN OF THE SIXTH COMMITTEE AT THE 1421ST MEETING 1)

ARTICLE A
SIGNATURE

THE PRESENT CONVENTION SHALL BE OPEN FOR SIGNATURE BY ALL
STATES, UNTIL....(DATE) AT UNITED NATIONS
HEADQUARTERS IN NEW YORK.

ARTICLE B
RATIFICATION

THE PRESENT CONVENTION IS SUBJECT TO RATIFICATION. THE
INSTRUMENTS OF RATIFICATION SHALL BE DEPOSITED WITH THE
SECRETARY-GENERAL OF THE UNITED NATIONS.

ARTICLE C
ACCESSION

THE PRESENT CONVENTION SHALL REMAIN OPEN FOR ACCESSION
BY ANY STATE. THE INSTRUMENTS OF ACCESSION SHALL BE DEPOSITED
WITH THE SECRETARY-GENERAL OF THE UNITED NATIONS.

ARTICLE D
ENTRY INTO FORCE

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1. THE PRESENT CONVENTION SHALL ENTER INTO FORCE ON THE
THIRTIETH DAY FOLLOWING THE DATE OF DEPOSIT OF THE TENTH
INSTRUMENT OF RATIFICATION OR ACCESSION WITH THE SECRETARY-
GENERAL OF THE UNITED NATIONS.

2. FOR EACH STATE RATIFYING OR ACCEDING TO THE CONVENTION
AFTER THE DEPOSIT OF THE TENTH INSTRUMENT OF RATIFICATION
OR ACCESSION; THE CONVENTION SHALL ENTER INTO FORCE ON THE
THIRTIETH DAY AFTER DEPOSIT BY SUCH STATE OF ITS INSTRUMENT
OF RATIFICATION OR ACCESSION.

ARTICLE E
NOTIFICATIONS BY THE DEPOSITARY

THE SECRETARY-GENERAL OF THE UNITED NATIONS SHALL INFORM
ALL STATES:

(A) OF SIGNATURES TO THE PRESENT CONVENTION AND OF THE DEPOSIT
OF INSTRUMENTS OF RATIFICATION OR ACCESSION IN ACCORDANCE
WITH ARTICLES A, B, AND C.

(B) OF THE DATE ON WHICH THE PRESENT CONVENTION WILL ENTER

INFO FORCE IN ACCORDANCE WITH ARTICLE D.

ARTICLE F
AUTHENTIC TEXTS

THE ORIGINAL OF THE PRESENT CONVENTION, OF WHICH THE CHINESE,
ENGLISH, FRENCH, RUSSIAN AND SPANISH TEXTS ARE EQUALLY
AUTHENTIC, SHALL BE DEPOSITED WITH THE SECRETARY-
GENERAL OF THE UNITED NATIONS, WHO SHALL SEND CERTIFIED COPIES
THEREOF TO ALL STATES.

IN WITNESS WHEREOF THE UNDERSIGNED, BEING DULY AUTHORIZED
THEREBY BY THEIR RESPECTIVE GOVERNMENTS, HAVE SIGNED THE
PRESENT CONVENTION, OPENED FOR SIGNATURE AT NEW YORK....(DATE)

1) THE WORKING GROUP IS COMPOSED OF THE REPRESENTATIVES
OF AUSTRIA, GHANA, INDIA, POLAND AND URUGUAY.

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